

INFORMATION FILED: 7-21-64, Dist. Colo., against Associated Grocers of Colorado, Inc., Denver, Colo., Fred S. Fishburn, executive vice president and general manager, Jack B. Kennedy, assistant general manager, and Menno R. Duden, plant superintendent.

ALLEGED VIOLATION: Between 5-22-63 and 8-22-63, and while quantities of rice, flour, and marshmallows were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building that was accessible to and infested with birds and mice, and to be exposed to contamination by birds and mice thereby causing the articles to become adulterated.

CHARGE: 402(a)(3)—the marshmallows contained mouse excreta, mouse hairs, and gnawed marshmallows; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty by the corporation to 3 counts; by each individual to 1 count.

DISPOSITION: 8-31-64. Corporation—\$900 fine; Fishburn—\$200 fine; Kennedy and Duden—\$150 fine each.

29715. Rice. (F.D.C. No. 50057. S. No. 49-420 A.)

QUANTITY: 27 100-lb. bags at Detroit, Mich., in possession of Edgar's Warehouse, Inc.

SHIPPED: 12-2-63, from Memphis, Tenn.

LIBELED: 4-23-64, E. Dist. Mich.

CHARGE: 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-5-64. Default—destruction.

29716. Rice. (F.D.C. No. 50522. S. Nos. 70-422/23 A.)

QUANTITY: 150 25-lb. bags, and 10 100-lb. bags, at Sioux Falls, S. Dak., in possession of Frank's Transfer & Storage.

SHIPPED: 4-6-64, from Stuttgart, Ark.

LIBELED: 9-15-64, Dist. S. Dak.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-14-64. Default—delivered to a public institution for use as animal feed.

29717. Wheat (2 seizure actions). (F.D.C. Nos. 49436; 49442. S. Nos. 62-731 X; 62-408 X.)

QUANTITY: 126,190 lbs. and 128,000 lbs. in two railway cars at Kansas City, Mo.

SHIPPED: 10-21-63 and 10-25-63, from Walker, Kans., by Nebraska-Kansas-Colorado Grain Co.

LIBELED: 11-4-63 and 11-6-63, W. Dist. Mo.

CHARGE: 402(a)(3)—contained insect-damaged kernels when shipped.

DISPOSITION: 11-19-63 and 11-21-63. Consent—claimed by Mid-Continent Grain Co., Kansas City, Mo. Reconditioned; approximately 34,000 lbs. segregated as unfit.

29718. Wheat. (F.D.C. No. 49050. S. Nos. 34-134 X, 34-405 X.)

QUANTITY: 90,000 lbs. at Minneapolis, Minn.

SHIPPED: 6-24-63, from Amherst, S. Dak., by Farmers Cooperative Elevator Co.

LIBELED: 7-22-63, Dist. Minn.

**CHARGE:** 402(a)(2)(B)—when shipped, the article was a raw agricultural commodity and contained a pesticide chemical, a mercurial compound, which was unsafe within the meaning of 408(a), since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat had been prescribed by regulations.

**DISPOSITION:** 8-12-63. Consent—claimed by Farmers Cooperative Co., Amherst, S. Dak. Segregated and reconditioned; 10,410 lbs. destroyed.

**29719. Wheat.** (F.D.C. No. 50056. S. No. 57-523 A.)

**QUANTITY:** 101,600 lbs. at Kansas City, Kans.

**SHIPPED:** 4-9-64, from Norborne, Mo., by Ray Carroll County Grain Growers, Inc.

**LIBELED:** 4-28-64, Dist. Kans.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets when shipped.

**DISPOSITION:** 5-19-64. Consent—claimed by the Farmers Union Cooperative Marketing Association. Reconditioned and segregated; 6,430 lbs. denatured.

**29720. Wheat.** (F.D.C. No. 50040. S. No. 56-824 A.)

**QUANTITY:** 31,130 lbs. at Kansas City, Kans.

**SHIPPED:** 3-28-64, from Gridley, Kans., by L. B. Platt Feed & Produce Co., consigned to a firm at Kansas City, Mo.

**LIBELED:** 4-9-64, Dist. Kans.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets when shipped.

**DISPOSITION:** 5-20-64. Consent—claimed by B. C. Christopher & Co., Kansas City, Mo. Reconditioned and segregated; 1,860 lbs. denatured.

**29721. Wheat.** (F.D.C. No. 50053. S. No. 57-522 A.)

**QUANTITY:** 109,200 lbs. at Kansas City, Kans.

**SHIPPED:** 4-10-64, from Norborne, Mo., by B. F. Knipschild & Bros.

**LIBELED:** 4-27-64, Dist. Kans.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets when shipped.

**DISPOSITION:** 5-20-64. Consent—claimed by B. C. Christopher & Co., Kansas City, Mo. Reconditioned; 8,650 lbs. segregated as unfit.

**29722. Wheat.** (F.D.C. No. 50092. S. No. 71-695 A.)

**QUANTITY:** 108,000 lbs. at Minneapolis, Minn.

**SHIPPED:** 5-5-64, from Hosmer, S. Dak., by Home Grain Co.

**LIBELED:** 5-18-64, Dist. Minn.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets when shipped.

**DISPOSITION:** 5-22-64. Consent—claimed by Leo Goehring, t/a Home Grain Co., of Hosmer, S. Dak., and denatured.

**29723. Wheat.** (F.D.C. No. 50088. S. No. 68-550 A.)

**QUANTITY:** 118,800 lbs. at Minneapolis, Minn.

**SHIPPED:** 4-23-64, from Willow City, N. Dak., by Victoria Elevator Co.

**LIBELED:** 5-18-64, Dist. Minn.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets when shipped.